

UNITED STATES DISTRICT COURT NEW YORK
EASTERN DISTRICT OF NEW YORK

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ERIK GANGARAM,	:	
	:	
	:	AMENDED COMPLAINT
Plaintiff,:	:	<u>AND JURY DEMAND</u>
– against –	:	
	:	
THE CITY OF NEW YORK, P.O. DOMENICK	:	13-CV-07040
LAGOMARSINE, P.O MICHAEL BUCKLEMAN	:	(WKF)(RER)
and P.O. DANIEL GUKELBERGER,	:	
	:	
	:	
Defendants.:	:	
-----	X	

JURISDICTION

1. This action is brought pursuant to 42 U.S.C. §1983 for violations of plaintiff's rights under the Fourth and Fourteenth Amendments to the United States Constitution and pursuant to the laws of the State of New York for violation of the tort laws of the State of New York.

2. This Court has jurisdiction over the federal claims pursuant to 28 U.S.C. §§1331 and 1343(a).

3. This Court has supplemental jurisdiction over the state court claims pursuant to 28 U.S.C §1367.

4. Venue is proper in this district pursuant to 28 U.S.C. §1391(b).

CONDITIONS PRECEDENT TO STATE CLAIMS

5. Plaintiff Erik Gangaram has complied with all conditions precedent to commencement of the state law claims alleged herein and, more particularly, on or about June 12, 2013 and within ninety days after the occurrence set forth herein, plaintiff duly served written notice of claim upon the Comptroller's Office of the defendant City; more than thirty days have elapsed since service of the said notice of claim and defendant has failed and/or refused to make any adjustment thereof and this action has been brought within one year and ninety days of the occurrence.

PARTIES

6. Plaintiff Erik Gangaram, is a resident of Queens County, New York.

7. Defendant City of New York (hereinafter "defendant City") was and is a domestic municipal corporation duly organized and existing pursuant to the laws of the State of New York.

8. Defendants P.O. Domenick Lagomarsine P.O Michael Buckleman and P.O. Daniel Gukelberger, (collectively the "defendant Officers") at all times relevant were employed by the defendant City as police officers.

FACTUAL BACKGROUND

10. On April 20, 2013 at about 1:50 A.M., plaintiff Erik Gangaram was sitting in his car in the area of 175th Street and 93rd Avenue in Queens, New York.

11. At that time, plaintiff was approached by defendant Officers.

12. For no lawful reason and without any probable cause, defendant Officers searched the plaintiff's car.

13. Plaintiff was then improperly arrested and charged with Criminal Possession of a Weapon in the Fourth Degree under the New York Penal Code.

14. Plaintiff was held in custody for about 12 hours until he was taken to court.

15. The charges against the Plaintiff were ultimately dismissed.

16. At all times relevant, the defendant Officers were acting within the scope of their employment as police officers for the defendant City.

17. At all times relevant, the defendant Officers were acting under color of State law.

18. The defendant City was deliberately indifferent with respect to the training, supervising and disciplining of the defendant Officers which led to the wrongful acts herein.

19. The defendant City encouraged and condoned the various wrongful acts by the defendant Officers.

FIRST CLAIM

20. Plaintiff repeats and realleges the allegations set forth in the previous paragraphs.

21. The defendants' acts and conduct violated plaintiff's rights under the 42 U.S.C. §1983.

SECOND CLAIM

22. Plaintiff repeats and realleges the allegations set forth in the previous paragraphs.

23. The defendants' acts and conduct constituted an unlawful arrest and false imprisonment of plaintiff.

WHEREFORE, the plaintiff ERIK GANGARAM, demands the following relief:

- (1) Compensatory damages;
- (2) Punitive damages;
- (3) Attorneys' fees, costs and disbursements;
- (4) Such other and further relief as this court finds just and proper; and
- (5) Plaintiff demands a trial by jury.

Dated: New York, New York
April 10, 2014

Yours, etc.,

DILLON HOROWITZ & GOLDSTEIN LLP
Attorneys for Plaintiff
ERIK GANGARAM

By /s/
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Docket No. CV-13-7040

United States District Court
Eastern District of New York

ERIK GANGARAM,

Plaintiff

-against-

THE CITY OF NEW YORK, P.O. DOMENICK LAGOMARSINE,
P.O MICHAEL BUCKLEMAN and P.O. DANIEL GUKELBERGER

Defendants.

AMENDED COMPLAINT & JURY DEMAND

DILLON HOROWITZ & GOLDSTEIN LLP

Attorneys for Plaintiff

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Service of a copy of the within
is hereby admitted.

Dated, _____, 201__

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Attorneys for

Sirs/Madams: -- Please take notice

Notice of Entry

that the within is a true copy of a
clerk of the within named court on

duly entered in the office of the

Notice of Settlement

that an
to the HON.
court, at

of which the within is a true copy will be presented for settlement
one of the judges of the within named
on _____ 20 _____ at _____ M.